

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ROOSEVELT TAYLOR,)	
)	
Plaintiff,)	
)	Case No. 4:14-cv-818
vs.)	
)	St. Louis County, Missouri
MEDICREDIT, INC.)	Associate Division
)	Case No. 14SL-AC08129
Defendant.)	
)	NOTICE OF REMOVAL OF ACTION
)	UNDER 28.U.S.C. §1331
)	
)	(FEDERAL QUESTION
)	JURISDICTION)

NOTICE OF REMOVAL OF CIVIL ACTION

Defendant Medicredit, Inc. (“Defendant”), pursuant to 28 U.S.C. § 1441, hereby removes the above-styled action to this Court from the Circuit Court of St. Louis County, State of Missouri. This is a civil action over which this Court has original subject matter jurisdiction under 28 U.S.C. § 1331 in that Plaintiff’s Petition asserts claims arising under 15 U.S.C. § 1692 *et seq.*, the Fair Debt Collection Practices Act (the “FDCPA”) and 47 U.S.C. § 227 *et seq.*, the Telephone Consumer Protection Act (the “TCPA”). In support hereof, Defendant states as follows:

INTRODUCTION

1. On March 17, 2014, Plaintiff Roosevelt Taylor (“Plaintiff”) filed his Petition (the “Petition”) in the Associate Division of St. Louis County, Missouri thereby commencing the instant action styled, *Roosevelt Taylor v. Medicredit, Inc.*, Cause No. 14SL-AC08129.
2. The two-count Petition relates to Defendant’s alleged attempt to collect on a debt (the “Debt”) due and owing by Plaintiff to a third-party creditor (the “Creditor”).

3. Specifically, Plaintiff alleges that Defendant has violated both the FDCPA and the TCPA in its attempt to collect the Debt.

NOTICE OF REMOVAL IS TIMELY

4. Plaintiff filed his Petition on March 17, 2014.

5. Defendant was served with Plaintiff's Petition on April 2, 2014.

6. This Notice of Removal is timely because it is filed within thirty (30) days of Defendant's receipt of service of the Petition and within one year of the commencement of this action as required by 28 U.S.C. §1446(b).

FEDERAL QUESTION JURISDICTION EXISTS

7. The Court has original jurisdiction over this action under 28 U.S.C. § 1331 and this case may be removed pursuant to 28 U.S.C. §1441(a) because it involves a federal question based upon the FDPCA and the TCPA.

REMOVAL TO THIS DISTRICT IS PROPER

8. Venue is proper in the United States District Court for the Eastern District of Missouri and is proper in the Eastern Division under 28 U.S.C. §§ 1441(a) and 1446(a) because the Circuit Court for St. Louis County is located within the Eastern Division of this judicial district. Venue is also proper under Local Rule 3-2.07(B) because the action being removed is a civil action brought against a single defendant and the claim for relief arose in St. Louis County.

9. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81-2.03, true and correct copies of all pleadings on file with the St. Louis County Circuit Court to date are attached hereto as **Exhibit A.**

10. Written notice of the filing of this Notice of Removal will be promptly served on Plaintiff's counsel and a copy has been filed with the Clerk of the Circuit Court of St. Louis County, State of Missouri.

11. Defendant's Notice to Clerk of Filing Notice of Removal will also be promptly filed with the Clerk of the Circuit Court of St. Louis County, State of Missouri.

12. Defendant hereby reserves any and all rights to assert any and all defenses to Plaintiff's Petition, including but not limited to failure to state a claim upon which relief can be granted.

13. Defendant reserves the right to amend or supplement this Notice of Removal.

14. Defendant has not answered the Petition in state court, and will do so consistent with Fed. R. Civ. P. 8(c).

WHEREFORE, Defendant Medcredit, Inc. respectfully removes this action now pending in the Circuit Court of St. Louis County, State of Missouri to this Court.

Respectfully submitted,

LATHROP & GAGE LLP

/s/ Scott J. Dickenson

Scott J. Dickenson, #50478MO

James Redd IV, #66172MO

7701 Forsyth Blvd., Suite 500

Clayton, MO 63105

Telephone: (314) 613-2800

Telecopier: (314) 613-2801

sdickenson@lathropgage.com

jredd@lathropgage.com

**Attorneys for Defendant
Medcredit, Inc.**

CERTIFICATE OF SERVICE

I hereby certify a true copy of the foregoing Notice of Removal was served, by First Class United States Mail, Postage Prepaid on this 29th day of April 2014 to the following:

Dominic M. Pontello
Pontello Law, LLC
Suite 112
5988 Midrivers Mall Drive
St. Charles, MO 63304

Attorney for Plaintiff

/s/ Scott J. Dickenson
